IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2111 OF 2007

Shri.Sudhakar Suradkar. ..Petitioner.
Versus
State of Maharashtra
and 7 Ors. ..Respondents.

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Mr.Sudhakar Suradkar, Petitioner in-person present.
Smt.P.H.Kantharia, APP, for the State.
Mr.K.S.Patil, Adv. for Respondent No.2.
Mr.A.P.Mundargi, Sr.Adv. for Respondent No.8.

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CORAM : S.B.MHASE AND
SMT.V.K.TAHILRAMANI,JJ.
DATED : DECEMBER 17, 2007.

P.C.:-

1. Heard Mr.Suradkar, the petitioner appearing in-person.

2. While Mr.Suradkar was DIG (Railway), he was holding the charge of DIG, Thane. It appears that he alleged that Deputy Inspector of General of Police Shri.U.D.Joshi, Superintendent of Police Shri.Prabhakar, Police Inspector Shri.Kotkar and Deputy Superintendent of Police Shri.R.E.Pawar have colluded with one Mr.Riyaz Dhange and prepared certain bogus application on which signature of Smt.Naaz Patel was forged and the said document was used in the proceedings of the High Court. It is further alleged by Mr.Suradkar that, his reputation

was damaged and thereby these persons have committed an offence under Sections 463, 465, 469, 471, 209 and 120(b) of IPC. On the basis of this complaint, C.R. No.82 of 1993 at Kashimira Police Station was registered. The petitioner thereafter transferred the investigation of the said C.R. to CID. The CID thereafter investigated the crime and filed a charge-sheet as against only Riyaz Dhange. In short, the CID did not file charge-sheet against Mr.U.D.Joshi, Mr.Prabhakar, Mr.Kotkar and Mr.R.E.Pawar etc.. The petitioner thereafter approached the Court of the Magistrate making grievance in respect of this; and after hearing the petitioner the Magistrate has taken cognizance of the offence as against Mr.U.D.Joshi, Mr.Prabhakar, Mr.Kotkar, Mr.R.E.Pawar etc.. The said order of the Magistrate issuing process and taking cognizance as against these police officers, was challenged by the police officers by filing Revision Application No.126 of 2006 before the Sessions Judge, Thane. The Sessions Judge in its revisional power allowed the revision and quashed the order passed by the Magistrate taking cognizance and issuing process as against these officers. The said order was challenged by the State Government by filing a

Criminal Revision Application No.441 of 2006 before this Court. However, after having found that the State was the investigating agency and the State having found that there is no case to file charge-sheet as against them and therefore selected to file a charge-sheet as only against Mr.Riyaz Dhange, the question arose as to how the State can file a revision petition, hence the learned APP Smt.Shinde pointed out this aspect to the Law & Judiciary Department, upon which instructions were received to withdraw the revision application and in view of the instructions of the Department Smt.Shinde has withdrawn the said revision application. Thereafter, the petitioner has come forward making a grievance as against all the officers and also against Smt.Shinde and tried to justify the order passed by the Magistrate taking cognizance and issuing process. Infact under these circumstances, Article 226 of the Constitution of India is not the remedy for the petitioner. The remedy of the petitioner is elsewhere. Under these circumstances, we refrain to entertain the Petition under Article 226 of the Constitution of India. Petition is, therefore, rejected.

[SMT.V.K.TAHILRAMANI,J.] **[S.B.MHASE,J.]**